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SCOTTSDALE INDEMNITY COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MERIDIAN SPORTS CLUB FULLERTON,
LLC, a California limited liability company,

Plaintiff,

v.

SCOTTSDALE INDEMNITY COMPANY,
an Ohio Corporation, and DOES 1-100,

Defendant.

Case No.

NOTICE OF REMOVAL OF ACTION UNDER
28 U.S.C. § 1441(b)

(DIVERSITY)

TO PLAINTIFF AND ITS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that Defendant Scottsdale Indemnity Company ("Scottsdale") hereby removes this case to the Northern District of California, San Francisco Division. The grounds for removal are as follows:

1. On May 1, 2014, plaintiff Meridian Sports Club Fullerton, LLC ("Meridian") commenced an action in the Superior Court of California, County of Marin, styled *Meridian Sports Club Fullerton, LLC v. Scottsdale Indemnity Company, and Does 1-100*, Case No. CIV 1401674 (the "State Court Action"). A true and correct copy of all pleadings, process and orders served on Scottsdale are attached hereto as **Exhibit 1**.

2. Defendant Scottsdale was served by a process server via an agent for service of process, Corporation Service Company, on May 12, 2014. A true and correct copy of the Notice of Service of Process, dated May 12, 2014, is attached hereto as **Exhibit 2**.

3. To Scottsdale's knowledge, other than the filing of the complaint, there have been no proceedings in the State Court Action.

4. This Notice of Removal complies with the statutory time limitations set forth in 28 U.S.C. § 1446(b).

5. Scottsdale is filing a copy of this Notice of Removal with the Clerk of the Superior Court. (Declaration of Quyen Thi Le in Support of Notice of Removal ("Le Declaration"), ¶ 3.)

6. The San Francisco Division of the United States District Court, Northern District of California, is the proper venue for this case, which was originally filed in Marin County Superior Court.

7. This Court has original jurisdiction over the subject matter of the State Court Action pursuant to 28 U.S.C. § 1332(a)(1), and is one which may be removed to this Court by Defendant Scottsdale pursuant to the provisions of 28 U.S.C. § 1441(b) because: (a) it is a civil action between citizens of different states; and (b) Plaintiff's claims exceed \$75,000.00, as follows:

8. Plaintiff's Complaint alleges that plaintiff Meridian was at the time of the State Court Action, and still is, a limited liability company organized under the laws of the State of California, with its principal place of business in San Rafael, California. (Ex. 1, Complaint ¶ 1.)

9. Scottsdale was, at the time of the State Court Action, and still is, a corporation incorporated under the laws of the State of Ohio, with its principal place of business in Scottsdale, Arizona. Scottsdale is the only defendant in the State Court Action.

10. Plaintiff's Complaint does not allege an *ad damnum*. However, it is facially apparent from the Complaint that Plaintiff's claims likely exceed \$75,000.00. Specifically, Plaintiff seeks an award of punitive damages because of defendant Scottsdale's alleged wrongful refusal to provide insurance policy benefits, thereby breaching the implied covenant of good

1 faith and fair dealing. (Ex. 1, Complaint ¶¶ 24-26.) Further, the Complaint alleges that the policy
2 issued by Scottsdale to the Plaintiff "insured Plaintiff in the sum of \$10,700,000...[for] 'Covered
3 Cause of Loss.'" (Ex. 1, Complaint ¶ 7.) Lastly, the plaintiff seeks to recover from Scottsdale
4 attorney's fees and costs incurred to obtain payment of allegedly unreasonably withheld
5 insurance benefits. (Ex. 1, Complaint at p. 6.)

6 WHEREFORE, based upon the above-stated allegations and the attachments hereto,
7 Scottsdale respectfully requests the State Court Action be removed from the Superior Court to
8 this Court.

9 DATED: June 10, 2014

SELMAN BREITMAN LLP

11 By: 

12 LINDA WENDELL HSU
13 QUYEN THI LE

14 Attorneys for Defendant
15 SCOTTSDALE INDEMNITY COMPANY
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